



## Senate

General Assembly

February Session, 2006

**File No. 26**

Senate Bill No. 27

*Senate, March 20, 2006*

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR  
HYPERTENSION AND HEART DISEASE FOR FIREFIGHTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-433c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Notwithstanding any provision of chapter 568 or any other  
4 general statute, charter, special act or ordinance, [to the contrary,] in  
5 the event a uniformed member of a paid municipal fire department or  
6 a regular member of a paid municipal police department who (1)  
7 began such employment prior to July 1, 1996, and (2) successfully  
8 passed a physical examination on entry into such service, which  
9 examination failed to reveal any evidence of hypertension or heart  
10 disease, suffers either off duty or on duty any condition or impairment  
11 of health caused by hypertension or heart disease resulting in [his  
12 death or his] such member's death or temporary or permanent, total or  
13 partial disability, [he or his] such member or such member's  
14 dependents, as the case may be, shall receive from [his] such member's

15 municipal employer compensation and medical care in the same  
16 amount and the same manner as that provided under chapter 568 if  
17 such death or disability was caused by a personal injury which arose  
18 out of and in the course of [his] such member's employment and was  
19 suffered in the line of duty and within the scope of [his] such member's  
20 employment, and from the municipal or state retirement system under  
21 which [he] such member is covered, [he or his] such member or such  
22 member's dependents, as the case may be, shall receive the same  
23 retirement or survivor benefits which would be paid under said  
24 system if such death or disability was caused by a personal injury  
25 which arose out of and in the course of [his] such member's  
26 employment, and was suffered in the line of duty and within the scope  
27 of [his] such member's employment. If successful passage of such a  
28 physical examination was, at the time of [his] employment, required as  
29 a condition for such employment, no proof or record of such  
30 examination shall be required as evidence in the maintenance of a  
31 claim under this section or under such municipal or state retirement  
32 systems. The benefits provided by this section shall be in lieu of any  
33 other benefits which such [policeman or fireman or his] member or  
34 such member's dependents may be entitled to receive from [his] such  
35 member's municipal employer under the provisions of chapter 568 or  
36 the municipal or state retirement system under which [he] such  
37 member is covered, except as provided by this section, as a result of  
38 any condition or impairment of health caused by hypertension or heart  
39 disease resulting in [his death or his] such member's death or  
40 temporary or permanent, total or partial disability. As used in this  
41 section, the term "municipal employer" shall have the same meaning  
42 and shall be defined as said term is defined in section 7-467.

43 [(b) Notwithstanding the provisions of subsection (a) of this section,  
44 those persons who began employment on or after July 1, 1996, shall not  
45 be eligible for any benefits pursuant to this section.]

46 (b) For the purpose of adjudication of claims for the payment of  
47 benefits under the provisions of chapter 568 to a uniformed member of  
48 a paid municipal fire department who began such employment on or

49 after July 1, 1996, any condition of impairment of health caused by  
50 hypertension or heart disease occurring to such member while such  
51 member is (1) responding to a fire or other emergency, and (2) on duty  
52 for such member's municipal employer that results in death or  
53 temporary or permanent total or partial disability shall be presumed to  
54 have been suffered in the line of duty and within the scope of such  
55 member's employment, provided such member had previously passed  
56 a physical examination by a licensed physician appointed by such fire  
57 department that failed to reveal any evidence of such condition.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	7-433c
-----------	-----------------	--------

**LAB**      *Joint Favorable C/R*

PS

**PS**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 07 \$</b>	<b>FY 08 \$</b>
Various Municipalities	STATE MANDATE - Cost	Potential Significant	Potential Significant

### **Explanation**

This bill creates a rebuttable presumption that a health impairment resulting from hypertension or heart disease occurring to a paid municipal firefighter while the firefighter is on duty and responding to a fire or emergency is compensable under the Workers' Compensation Act. The firefighter must have previously passed a physical that revealed no evidence of hypertension or heart disease and begun employment on or after July 1, 1996.

Under current law, paid municipal firefighters are eligible for workers' compensation for heart and hypertension impairments. However, this bill establishes a statutory presumption (CGS 7-433c(b)) that the heart or hypertension impairment is work related if no substantial evidence is presented to the contrary by the employer.

There are approximately 4,100 paid municipal firefighters in the state. This bill would impact the estimated 800 - 1,100 hired after July 1, 1996, along with all future hires.

There were 31 heart and hypertension claims (under 7-433c) filed in 2005 by paid municipal police and firefighters hired before July 1, 1996.

It is anticipated that this bill will increase the number of claims filed under 7-433c. To the extent that filing a claim under 7-433c increases the likelihood of an award—because the burden of proof has shifted to the employer to refute the claim—there will be increased costs to municipalities. These costs may be significant as a single heart and hypertension claim can cost more than \$1 million over the life of the claim. This bill is a state mandate on municipalities that employ paid firefighters.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

---

**OLR Bill Analysis****SB 27*****AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS  
FOR HYPERTENSION AND HEART DISEASE FOR FIREFIGHTERS.*****SUMMARY:**

This bill creates a rebuttable presumption that a health impairment (1) resulting from hypertension or heart disease that causes a paid municipal firefighter to miss work and (2) occurring while the firefighter is on duty and responding to a fire or emergency is compensable under the Workers' Compensation Act. The firefighter must have (1) previously passed a physical by a doctor appointed by the fire department that revealed no evidence of hypertension or heart disease and (2) begun employment on or after July 1, 1996. Under current law, such ailments from hypertension or heart disease make paid firefighters eligible for worker's compensation, but the bill provides a statutory presumption.

The employer can refute a rebuttable presumption with evidence that the ailment or condition is the result of something other than the claimant's job. Under a rebuttable presumption, the ailment is considered work-related if no substantial evidence is presented to the contrary.

The presumption covers any health impairment that results in (1) death, (2) temporary or permanent total disability, or (3) temporary or permanent partial disability.

EFFECTIVE DATE: October 1, 2006

**BACKGROUND*****Heart and Hypertension for Police and Firefighters***

Before 1996, paid municipal police and firefighters did not have to prove heart and hypertension-related ailments that resulted in lost work time were the result of the occupation in order to receive benefits equivalent to workers' compensation benefits.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Change of Reference

Yea 9 Nay 3 (02/23/2006)

Public Safety and Security Committee

Joint Favorable

Yea 17 Nay 3 (03/07/2006)